

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3215

(202) 326-7900

FACSIMILE:
(202) 326-7999

November 22, 2023

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) in opposition to the request filed at ECF No. 9445 by the Plaintiffs’ Executive Committees (“Plaintiffs” or “PECs”) for an extension of time to oppose Saudi Arabia’s renewed motion to dismiss.

Saudi Arabia has previously stated that it will oppose any extension of the schedule for its renewed motion to dismiss. *See* ECF No. ECF No. 8937, at 1; ECF No. 8996, at 1. The Court has also stated that it is disinclined to grant further extensions. *See* ECF No. 9009, at 8:9-12 (noting “the possibility, which is borne out in the history of this case, that extension requests keep coming in, and the case needs to move forward”); *id.* at 43:24-25 (“I hope that this is the last request for an extension with respect to these two groups of motions.”); *see* ECF No. 9000, at 2 (granting an extension of time to file *Daubert* motions, but stating that “[n]o further extension requests will be granted”).

Plaintiffs state that more time is needed for the PECs and the *Ashton* Plaintiffs to coordinate, and that doing so will enable all Plaintiffs to join a single opposition. *See* ECF No. 9445, at 1. In its April 17, 2023 order, the Court “strongly encouraged” Plaintiffs “to coordinate to reduce duplicative filings and arguments.” ECF No. 9026, at 5. Plaintiffs can and should file a single opposition, but have already had sufficient time to achieve that goal.

To the extent that Plaintiffs now intend to file a single opposition, the Court should adjust their page limits to be equal to Saudi Arabia’s. The current page allocation is a total of 90 pages for Saudi Arabia (30 for the opening motion and 60 for reply), while Plaintiffs collectively have 105 pages (45 and 35 for their oppositions and 15 and 10 for surreplies). If the PECs and the *Ashton* Plaintiffs are no longer filing multiple briefs, there is no reason for the two sides to have different page allotments. Saudi Arabia suggests that a 70-page consolidated opposition and a 20-page consolidated surreply would be appropriate.

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

The Honorable Sarah Netburn
November 22, 2023
Page 2

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg
Counsel for the Kingdom of Saudi Arabia

cc: All MDL Counsel of Record (via ECF)